

REMARKS

New claims 50-53 have been added. Applicants respectfully submit that these claims are clearly patentable over the prior art of record.

Claims 35, 37-39, 41-46 and 48-49 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Weihrauch in view of Brown and further in view of Kressner. Claims 35, 39, 41-43, 46 and 48-49 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Biro in view of Calabrese, in further view of White, and in even further view of Kressner.

Applicants first note that all of Applicants' claims require a head for a power toothbrush, or a power toothbrush including such a head, having a support member that is constructed to be rotationally oscillated. Claim 43 has been amended to clarify that this rotational oscillation is relative to the neck of the power toothbrush, a feature that is also found in claim 35 and new claim 50.

In Applicants' previous response, Applicants argued, *inter alia*, that the artisan would not have considered it obvious to combine the features of Weihrauch and Kressner, which are generally directed to electric toothbrushes, with those of Brown, which is generally directed to a mechanical toothbrush, nor would the artisan have considered it obvious to include features disclosed by White, which pertains to manual toothbrushes, in the electric toothbrushes of Biro. In this regard, Applicants noted that the artisan would have been aware that just because a feature works in a mechanical toothbrush does not mean that it will necessarily work in the same manner in an electric toothbrush. As an example, Applicants noted that because manual toothbrushes are generally used with a scrubbing motion, the artisan would not have expected that a feature such as a pivotably mounted elastomeric fin would be suitable for use on an oscillating power toothbrush head.

The Examiner responded, in the Office Action mailed May 21, 2007, that "it is well known that manual ("mechanical") toothbrushes are capable of being electrically powered (as evidenced by Kott, US 3,196,299 and Urbush US 3,316,576.)" These two references disclose holders into which a conventional manual toothbrush can be inserted. The holders are designed to cause the entire manual toothbrush to vibrate or be moved with an orbital reciprocating

movement. In these devices, it is the entire toothbrush that is driven; the head of the toothbrush does not move relative to the handle.

Applicants wish to clarify that what Applicants meant was that it would not have been obvious to utilize features from a manual toothbrush in a power toothbrush head that rotationally oscillates relative to the neck of the power toothbrush. The Weihrauch reference itself explains that “the motion with which the bristle stock is guided over the teeth and the gums” is an important factor in brush design, distinguishing between the linear and pivoting motion of electric toothbrushes having elongated heads and the rotational oscillation of power toothbrushes with round heads. (See Weihrauch, col. 1, lines 11-15 and 26-34.)

The existence of devices that allow a manual toothbrush to be driven with a vibratory or reciprocating movement, as exemplified by Kott and Urbush, does not show that it would have been obvious to utilize features from the manual toothbrush art in a rotationally oscillating head. Instead, as evidenced by Weihrauch's statements, the artisan would have taken into account the different patterns of movement of these types of brush heads over the user's teeth and gums and within the users mouth and would not have considered it obvious that features that work well in a manual brush head would work well in a brush head constructed for rotational oscillation.

It is noted that, prior to testing brushes embodying the invention in clinical trials, Applicants themselves questioned whether a power toothbrush head having the claimed features would perform well. This uncertainty was due to Applicants' awareness of the difficulty in predicting the effect of various combinations of design elements on user comfort and brushing efficacy.

In view of the above, Applicants respectfully request that the rejections under 35 U.S.C. 103(a) be reconsidered and withdrawn.

It is believed that no fees are due with this submission, which is being filed concurrently with an RCE. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-616001.

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Respectfully submitted,

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